

Mail Stop Interference
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Paper 1
Filed January 9, 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

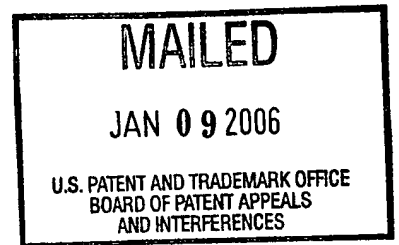
WILLIAM A. **BERTHIAUME** and NAREAK DOUK
Junior Party
(Patent 6,110,146),

v.

THOMAS J. **HOLMAN**, LOUIS G. ELLIS,
GREGORY K. OLSON, LINDA R. LORENTZEN CORNELIUS
RICHARD J. TRAXLER and SCOTT M. HANSON
Senior Party
(Application 09/737,118).

Patent Interference No. 105,519 (SCM)
(Technology Center 3700)

DECLARATION - Bd.R. 203(b)¹



Part A. Declaration of interference

An interference is declared (35 U.S.C. 135(a)) between the above-identified parties.

Details of the application(s), patent (if any), reissue application (if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this DECLARATION.

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 **Part B. Judge managing the interference**

2 Administrative Patent Judge Sally Medley has been designated to manage the
3 interference. Bd. R. 104(a).

4 **Part C. Standing order**

5 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this DECLARATION.
6 The STANDING ORDER applies to this interference.

7 **Part D. Initial conference call**

8 A telephone conference call to discuss the interference is set for **2:00 p.m. on 6 March**
9 **2007** (the Board will initiate the call).

10 No later than **four business days** prior to the conference call, each party shall file and
11 serve (SO §§ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204; SO §§ 104.2.1, 120
12 §204) the party intends to file.

13 A sample schedule for taking action during the motion phase appears as Form 2 in the
14 STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference
15 call and to agree on dates for taking action. A typical motion period lasts approximately eight
16 (8) months. Counsel should be prepared to justify any request for a shorter or longer period.

1 **Part E. Identification and order of the parties**

2 Junior Party

3 Named inventors: WILLIAM A. **BERTHIAUME**, Hudson, MA
4 NAREAK DOUK, Lowell, MA
5
6 Involved Patent: 6,110,146, granted 29 August 2000, based on
7 Application 09/164,166, filed 30 September 1998
8
9 Title: Protector for catheter balloon with guidewire backloading system
10 Assignee: Medtronic AVE, Inc.

11
12 Senior Party

13 Named Inventors: THOMAS J. **HOLMAN**, Minneapolis, MN
14 LOUIS G. ELLIS, St. Anthony, MN
15 GREGORY K. OLSON, Elk River, MN
16 LINDA R. LORENTZEN CORNELIUS, Wayzata, MN
17 RICHARD J. TRAXLER, Minneapolis, MN
18 SCOTT M. HANSON, Columbia Heights, MN
19
20 Involved Application: 09/737,118, filed 14 December 2000
21
22 Title: Catheter with removable balloon protector and stent delivery
23 system with removable stent protector
24
25 Assignee: Boston Scientific Scimed, Inc.

26 The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned
27 exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO §154.2.1. The senior party is responsible for
28 initiating settlement discussions. SO §126.1.

Enc:

Copy of STANDING ORDER
Copy of PTO-850 form
Copy U.S. Patent 6,110,146
Copy of claims of 09/737,118

Revised 3 January 2006
cc (via overnight delivery):

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